

HAWAII STATE

HOUSE OF REPRESENTATIVES

REGULAR SESSION OF 2011

MINI JOURNAL

FLOOR REMARKS TO BE INSERTED

FORTY-FIFTH DAY

APRIL 7, 2011

OFFICE OF THE CHIEF CLERK

A handwritten signature in black ink, appearing to be a stylized 'B' or 'H' with a flourish.

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FORTY-FIFTH DAY

Thursday, April 7, 2011

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011, convened at 12:06 o'clock p.m., with Vice Speaker Manahan presiding, after which the Roll was called showing all Members present with the exception of Representatives Carroll and M. Oshiro.

On motion by Representative Evans, seconded by Representative Pine and carried, reading of the Journal was dispensed with and the Journals of the Twenty-Fourth and Twenty-Fifth Days were approved. (Representatives Carroll and M. Oshiro were excused.)

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 398 through 402) were received and announced by the Clerk:

Sen. Com. No. 398, dated April 6, 2011, informing the House that the Senate has disagreed to the amendments proposed by the House to the following Senate Bills:

S.B. No. 105, SD 2, HD 1
S.B. No. 1067, SD 1, HD 2
S.B. No. 1533, SD 1, HD 1

Sen. Com. No. 399, transmitting S.C.R. No. 48, entitled: "SENATE CONCURRENT RESOLUTION URGING CONGRESS TO SUPPORT FEDERAL LEGISLATION PROHIBITING HEALTH INSURERS FROM DENYING COVERAGE TO VICTIMS OF DOMESTIC VIOLENCE ON THE GROUNDS THAT IT IS A PRE-EXISTING CONDITION," which was adopted by the Senate on April 6, 2011.

Sen. Com. No. 400, transmitting S.C.R. No. 134, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF A WORKING GROUP TO INVESTIGATE THE CREATION OF A LOCALLY-FOCUSED, HAWAII-BASED STOCK EXCHANGE," which was adopted by the Senate on April 6, 2011.

Sen. Com. No. 401, transmitting S.C.R. No. 167, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE CIVIL DEFENSE DIVISION OF THE HAWAII DEPARTMENT OF DEFENSE IS REQUESTED WORK WITH THE COUNTY CIVIL DEFENSE OR EMERGENCY MANAGEMENT AGENCIES TO EVALUATE THE APPROPRIATENESS OF TSUNAMI EVACUATION SITES IN THE STATE," which was adopted by the Senate on April 6, 2011.

Sen. Com. No. 402, transmitting H.B. No. 1089, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE," which passed Third Reading in the Senate on April 6, 2011.

Representative B. Oshiro moved to disagree to the amendments made by the Senate to the following House Bill, seconded by Representative Evans and carried: (Representatives Carroll and M. Oshiro were excused.)

H.B. No. 1089, HD 1, (SD 1)

INTRODUCTIONS

The following introductions were made to the Members of the House:

REMARKS DELIVERED: Rep. Mizuno
Rep. Chang

ORDER OF THE DAY

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering certain Senate Bills for Third Reading by consent calendar. (Representatives Carroll and M. Oshiro were excused.)

At 12:12 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:12 o'clock p.m.

UNFINISHED BUSINESS

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1417) recommending that S.B. No. 1301, SD 1, as amended in HD 1, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 1301, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FAIR HOUSING EXEMPTIONS," passed Third Reading by a vote of 50 ayes, with Representative M. Oshiro being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1418) recommending that S.B. No. 1054, SD 1, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 1054, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY RESTRAINING ORDERS," passed Third Reading by a vote of 50 ayes, with Representative M. Oshiro being excused.

Representative Yamashita, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 1419) recommending that S.B. No. 49, SD 1, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 49, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL FACILITIES," passed Third Reading by a vote of 50 ayes, with Representative M. Oshiro being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1420) recommending that S.B. No. 1482, SD 1, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1482, SD 1, HD 1, pass Third Reading, seconded by Representative Evans.

REMARKS DELIVERED: Rep. Pine

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1482, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," passed Third Reading by a vote of 50 ayes, with Representative M. Oshiro being excused.

At 12:13 o'clock p.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 1301, SD 1, HD 1
S.B. No. 1054, SD 1, HD 2
S.B. No. 49, SD 1, HD 2
S.B. No. 1482, SD 1, HD 1

REPORTS OF STANDING COMMITTEES

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1434) recommending that S.B. No. 1068, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 1068, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMAL CRUELTY," passed Second Reading and was placed on the calendar for Third Reading, with Representative M. Oshiro being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1435) recommending that S.B. No. 946, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 946, SD 1, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

REMARKS DELIVERED: Rep. M. Lee

TO BE INSERTED: Rep. M. Lee
(Submit by Tuesday, April 12)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 946, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Second Reading and was placed on the calendar for Third Reading, with Representative M. Oshiro being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1436) recommending that S.B. No. 1342, SD 1, HD 1, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 1342, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PARKING FOR THE DISABLED," passed Third Reading by a vote of 50 ayes, with Representative M. Oshiro being excused.

At 12:14 o'clock p.m., the Chair noted that the following bill passed Third Reading:

S.B. No. 1342, SD 1, HD 1

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1437) recommending that H.R. No. 71, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 71, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE CITY AND COUNTY OF HONOLULU TO AGREE TO A FINAL DETERMINATION REGARDING THE OWNERSHIP AND JURISDICTION OF AN UNIMPROVED SECTION OF KAIMAKANI STREET," was adopted, with Representative M. Oshiro being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1438) recommending that H.C.R. No. 78, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 78, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL

RESOURCES AND THE CITY AND COUNTY OF HONOLULU TO AGREE TO A FINAL DETERMINATION REGARDING THE OWNERSHIP AND JURISDICTION OF AN UNIMPROVED SECTION OF KAIMAKANI STREET," was adopted, with Representative M. Oshiro being excused.

THIRD READING

S.B. No. 106, SD 1, HD 1:

Representative B. Oshiro moved that S.B. No. 106, SD 1, HD 1, pass Third Reading, seconded by Representative Evans.

REMARKS DELIVERED: Rep. Fontaine
Rep. Pine
Rep. Cabanilla
Rep. B. Oshiro
Rep. Pine
Rep. Har
Rep. Ching
Rep. Evans
Rep. Riviere
Rep. Johanson
Rep. Ward
Rep. Pine

TO BE INSERTED: Rep. Johanson
Rep. Ward
Rep. Pine
(Submit by Tuesday, April 12)

The motion was put to vote by the Chair and carried, and S.B. No. 106, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PENAL CODE," passed Third Reading by a vote of 37 ayes to 10 noes, with Representatives Ching, Fontaine, Har, Johanson, Marumoto, McKelvey, Pine, Riviere, Thielen and Ward voting no, and with Representatives Awana, Chang, Mizuno and M. Oshiro being excused.

At 12:28 o'clock p.m., the Chair noted that the following bill passed Third Reading:

S.B. No. 106, SD 1, HD 1

ANNOUNCEMENTS

REMARKS DELIVERED: Rep. M. Lee

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

<u>S.C.R.</u> <u>Nos.</u>	<u>Referred to:</u>
14, SD2	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
80, SD1	Jointly to the Committee on Higher Education and the Committee on Education, then to the Committee on Finance
145	Committee on Education, then to the Committee on Finance
150, SD1	Committee on Human Services, then to the Committee on Finance

COMMITTEE REASSIGNMENTS

The following measures were re-referred to committee by the Speaker:

H.C.R.**Nos.****Re-referred to:**

128, Jointly to the Committee on Labor & Public Employment and
HD1 the Committee on Human Services and the Committee on
Health, then to the Committee on Finance

167 Committee on Agriculture, then to the Committee on Finance

ADJOURNMENT

At 12:29 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Friday, April 8, 2011. (Representatives Awana, Chang, Mizuno and M. Oshiro were excused.)

HOUSE COMMUNICATIONS

House Communication dated April 7, 2011, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has disagreed to the amendments made by the Senate to the following measure:

H.B. No. 1089, HD 1, SD 1